



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|  |  |   |
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| Applicant's or agent's file reference<br>93 960.WO                                     | <b>FOR FURTHER ACTION</b>  | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No.<br>PCT/EP2003/012267                                     | International filing date ( <i>day/month/year</i> )<br>04 November 2003 (04.11.2003) | Priority date ( <i>day/month/year</i> )   |
| International Patent Classification (IPC) or national classification and IPC<br>B65D / |  |   |
| Applicant<br>RPC WIKO GMBH & CO. KG  |  |   |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

|  |  |
|--|--|
| Date of submission of the demand<br>06 May 2005 (06.05.2005) | Date of completion of this report<br>11 November 2005 (11.11.2005) |
| Name and mailing address of the IPEA/EP                      | Authorized officer   |
| Facsimile No.  | Telephone No.  |

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012267

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages \_\_\_\_\_ 1-13 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:

pages \_\_\_\_\_ 2-4, 6-14 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19)

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_ 1, 5 \_\_\_\_\_, filed with the letter of 04 May 2005 (04.05.2005)

 the drawings:

pages \_\_\_\_\_ 1/6-6/6 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages \_\_\_\_\_ the claims, Nos. \_\_\_\_\_ the drawings, sheets/fig \_\_\_\_\_5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/12267

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

|                               |        |                   |     |
|-------------------------------|--------|-------------------|-----|
| Novelty (N)                   | Claims | <u>1-14</u>       | YES |
|                               | Claims | <u>          </u> | NO  |
| Inventive step (IS)           | Claims | <u>1-14</u>       | YES |
|                               | Claims | <u>          </u> | NO  |
| Industrial applicability (IA) | Claims | <u>1-14</u>       | YES |
|                               | Claims | <u>          </u> | NO  |

## 2. Citations and explanations

Novelty, inventive step and industrial applicability

1. The invention defined in claim 1 meets the requirements of PCT Article 33(2) to (4) in respect of novelty, inventive step and industrial applicability.
2. The subject matter of independent claim 1 is novel because the full combination of features specified therein is not known from any of the documents cited in the search report or acknowledged in the introductory part of the description.
3. There is nothing in the documents cited in the search report to suggest a dispenser pump of the type known from D1 with a one-piece "floating" valve disc as defined in the characterising part of claim 1. The following features are the result of a step that does not follow logically from the cited prior art:
  - A one-piece elastic valve disc without through-holes is "floatingly" seated on the intake opening of the pump bottom (i.e. it lies flat and unsecured) and thus forms the lower end of the intake chamber.

- The lower opening of the lower part of the dispensing duct leads down to a point directly next to the valve disc and is centred thereon.
- The movable cap causes the centre portion of the valve disc to distend so that it alternately opens and closes the centralised lower opening of the dispensing duct, and at the same time the deformation of the outer edge portion of the valve disc closes and opens the intake opening of the pump bottom in the opposite sequence.

The valve disc according to claim 1 therefore involves an inventive step.

4. The invention according to claim 1 is functional and can be manufactured, and is therefore industrially applicable.
5. Dependent claims 2 to 14 relate to advantageous and non-obvious developments of the dispenser pump according to claim 1, and therefore also meet the requirements of PCT Article 33(2) to (4) in respect of novelty, inventive step and industrial applicability.

Certain defects in the international application

6. The description makes no reference to the closest prior art (PCT Rule 5.1(a)(ii)).
7. The description does not present the invention in the way in which it is characterised in the claims (PCT Rule 5.1(a)(iii)).

- The lower opening of the lower part of the dispensing duct leads down to a point directly next to the valve disc and is centred thereon.
- The movable cap causes the centre portion of the valve disc to alternately open and close the centralised lower opening of the dispensing duct, and at the same time the deformation of the outer edge portion of the valve disc closes and opens the intake opening of the pump bottom in the opposite sequence.

The valve disc according to claim 1 therefore involves an inventive step.

4. The invention according to claim 1 is functional and can be manufactured, and is therefore industrially applicable.
5. Dependent claims 2 to 14 relate to advantageous and non-obvious developments of the dispenser pump according to claim 1, and therefore also meet the requirements of PCT Article 33(2) to (4) in respect of novelty, inventive step and industrial applicability.

Certain defects in the international application

6. The description makes no reference to the closest prior art (PCT Rule 5.1(a)(ii)).
7. The description does not present the invention in the way in which it is characterised in the claims (PCT Rule 5.1(a)(iii)).